AMENDMENTS IN THE CLAIMS:

1.	(Currently Amended)	A control device for controlling the recording of data onto an information recording medium where the number of re-writing data onto the same area is limited, the control device comprising:

means for determining whether data to be recorded is real-time data or non-real-time data;

means for, when it is determined that the data to be recorded is real-time data, recording the real-time data <u>using a one-way recording method</u> ~~in a circular manner~~ onto a second area which is defined in advance within a first area which is assigned in advance on the information recording medium; and

means for, when it is determined that the data to be recorded is non-real-time data, searching for an unassigned area from a predetermined address within the first area and recording the non-real-time data onto the unassigned area found as a result of the search,

wherein <u>a leading address of the first area is smaller than a leading address of the second area, and</u> the search for the unassigned area for recording the non-real-time data is also performed <u>from the leading address of</u> ~~[in]~~ the second area ~~within the first area~~ <u>if the unassigned area is not found between the leading address of the first area and the leading address of the second area</u>.

2.(Original)	A control device according to claim 1, wherein

the non-real-time data includes data for an index file, data for a clip information file and data for a playlist file,

the search for the unassigned area for recording the data for the index file is started from a leading address of the first area, and

the search for the unassigned area for recording the data for the clip information file or the data for the playlist file is started from an area adjacent to an area where the data for the index file has been recorded.

3.	(Original)	A control device according to claim 1, wherein

the non-real-time data includes data for a clip information file and data for a playlist file,

the search for the unassigned area for recording the data for the clip information file is performed in a predetermined direction from an area adjacent to an area where the data for the playlist file has been recorded, and

the search for the unassigned area for the data for the playlist file is performed in a direction opposite to the predetermined direction from an area adjacent to an area where the data for the clip information file has been recorded.

4.　　(Currently Amended)　　A control method for controlling the recording of data onto an information recording medium where the number of re-writing data onto the same area is limited, the control method comprising the steps of:

determining whether data to be recorded is real-time data or non-real-time data;

when it is determined that the data to be recorded is real-time data, recording the real-time data using a one-way recording method in a circular manner onto a second area which is defined in advance within a first area which is assigned in advance on the information recording medium; and

when it is determined that the data to be recorded is non-real-time data, searching for an unassigned area from a predetermined address within the first area and recording the non-real-time data onto the unassigned area found as a result of the search,

wherein a leading address of the first area is smaller than a leading address of the second area, and the search for the unassigned area for recording the non-real-time data is also performed from the leading address of [in] the second area within the first area if the unassigned area is not found between the leading address of the first area and the leading address of the second area.

5.　　(Original)　　A control method according to claim 4, wherein

the non-real-time data includes data for an index file, data for a clip information file and data for a playlist file,

the search for the unassigned area for recording the data for the index file is started from a leading address of the first area, and

the search for the unassigned area for recording the data for the clip information file or the data for the playlist file is started from an area adjacent to an area where the data for the index file has been recorded.

6.   (Original)   A control method according to claim 4, wherein

the non-real-time data includes data for a clip information file and data for a playlist file,

the search for the unassigned area for recording the data for the clip information file is performed in a predetermined direction from an area adjacent to an area where the data for the playlist file has been recorded, and

the search for the unassigned area for the data for the playlist file is performed in a direction opposite to the predetermined direction from an area adjacent to an area where the data for the clip information file has been recorded.

7.   (Currently Amended)   A recording device comprising:

a drive device for recording data onto an information recording medium where the number of re-writing data onto the same area is limited; and

a control device for controlling the drive device,

wherein

the control device includes:

means for determining whether data to be recorded is real-time data or non-real-time data;

means for, when it is determined that the data to be recorded is real-time data, recording the real-time data using a one-way recording method ~~in a circular manner~~ onto a second area which is defined in advance within a first area which is assigned in advance on the information recording medium; and

means for, when it is determined that the data to be recorded is non-real-time data, searching for an unassigned area from a predetermined address within the

first area and recording the non-real-time data onto the unassigned area found as a result of the search,

wherein <u>a leading address of the first area is smaller than a leading address of the second area, and</u> the search for the unassigned area for recording the non-real-time data is also performed <u>from the leading address of</u> ~~[in]~~ the second area ~~within the first area~~ <u>if the unassigned area is not found between the leading address of the first area and the leading address of the second area</u>.

8.	(Currently Amended)	A recording method comprising the steps of:

recording data onto an information recording medium where the number of re-writing data onto the same area is limited; and

controlling the recording of the data,

wherein

the step of controlling the recording of the data includes the steps of:

determining whether data to be recorded is real-time data or non-real-time data;

when it is determined that the data to be recorded is real-time data, recording the real-time data <u>using a one-way recording method</u> ~~in a circular manner~~ onto a second area which is defined in advance within a first area which is assigned in advance on the information recording medium; and

when it is determined that the data to be recorded is non-real-time data, searching for an unassigned area from a predetermined address within the first area and recording the non-real-time data onto the unassigned area found as a result of the search,

wherein <u>a leading address of the first area is smaller than a leading address of the second area, and</u> the search for the unassigned area for recording the non-real-time data is also performed <u>from the leading address of</u> ~~[in]~~ the second area ~~within the first area~~ <u>if the unassigned area is not found between the leading address of the first area and the leading address of the second area</u>.